

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>MICHAEL R. AND BETTY L. MOORE,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 58115</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 20, 2011, Gregg Near and Diane M. DeVries presiding. Mr. Michael R. Moore appeared pro se on behalf of Petitioners. Respondent was represented by Marcus A. McAskin, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**930 Ouray Trail, Como, Colorado
Park County Schedule No. R0002926**

The subject property consists of an 11.3-acre residential vacant lot known as outlots A and B of Indian Mountain Subdivision. These lots are two separate lots that back to public lands. There is no well or sewer on either lot, there is electricity available to the street, access is off county maintained road, Ouray Trail, and there is a spring fed pond on one of the lots. The lots are zoned residential.

Petitioners are requesting an actual value of \$25,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$73,454.00 for the subject property for tax year 2011.

Petitioners did not present any comparable sales. According to Petitioners, the subject outlots are not buildable and have no utility because Petitioners do not have a legal right to build on the property.

Petitioners are requesting a 2011 actual value of \$25,000.00 for the subject property.

Respondent presented a 2011 actual value of \$73,454.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$35,000.00 to \$81,500.00 and in size from 9 to 10 acres. After adjustments were made, the sales ranged from \$74,500.00 to \$79,001.00.

Sandra Hagan, a Certified General Appraiser with the Park County Assessor's Office, adjusted these sales for ground cover, view, live water, comparability, desirability (proximity to state lands) and electricity.

Ms. Hagan testified that the cost to cure the legal rights to build on the subject is less than \$10,000.00. She made adjustments to her comparable sales for the cost to cure to make them buildable lots.

Respondent assigned an actual value of \$73,454.00 to the subject property for tax year 2011.

The Board determined that Respondent properly valued the subject as residential vacant lots using the market approach to value. Respondent made proper adjustments to the comparable sales reflecting the value of non buildable lots.

Respondent properly used appropriate Colorado Revised Statutes, Division of Property Taxation Guidelines and Colorado case law in valuing the subject property for tax year 2011.

Petitioners could not support a 2011 actual valuation of the subject lots at a total of \$25,000.00.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after

the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

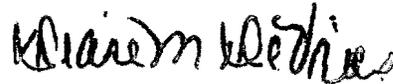
Section 39-8-108(2), C.R.S.

DATED and MAILED this 19th day of January 2012.

BOARD OF ASSESSMENT APPEALS

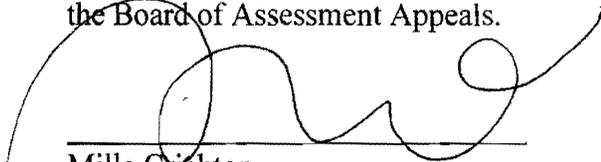


Gregg Near



Diane M. DeVries

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Milla Crichton

